

**REMARKS**

Applicant has carefully reviewed the Office Action dated June 26, 2006, and notes the timely submission of an Amendment document on September 26, 2006. Applicant hereby withdraws that Amendment document and presents this Substitute Amendment, along with a Request for a One Month Extension of Time. In this response, Applicant amends claim 1 to incorporate the limitations of claim 2, which is cancelled, and adjusts several of the claims depending from former claim 2. Applicant further amends dependent claims 5, 6, 13, 14, 25, and 26 to include limitations found in the original specification. New claims 21-38 are also presented. In light of the foregoing amendments and following remarks, favorable reconsideration and the issuance of a Notice of Allowance as to all claims is respectfully requested.

On a preliminary note, claims 7 and 12 are adjusted to address the formal issues raised. However, Applicant respectfully submits that the proposed change to insert “the” before malleable strip in claims 13 and 14 is not correct, since no antecedent basis exists for that term in the corresponding parent claims. It is believed that the Examiner is in agreement by formally approving dependent claim 5 in its original form. Accordingly, claims 13 and 14 remain unchanged.

As now presented, claim 1 reads on a display apparatus comprising a flexible and malleable display member comprising a flexible electronic pixel array. A control unit is provided at one end of the display member. Furthermore, the display member is in the form of a strip of a size suitable to be positioned around a limb of a user.

In the Action, the assertion is made that the invention of claim 1 including a malleable display member is obvious in view of U.S. Patent App. Publication No. 2001/0008074 to Radley-Smith and U.S. Patent No. 4,060,185 to Kuroda. Although it is expressly conceded that Radley-Smith does not disclose the claimed malleable display member, the contention is made that Kuroda discloses a “thin metal plate that is malleable.” However, what Kuroda

actually discloses is a thin elastic metal plate (see, e.g., Summary of the Invention, bridging columns 1 and 2), which is therefore not a “malleable” member (see page 2, lines 15-23 of Applicant’s specification). Having such a malleable display member means that the display apparatus can be easily molded to fit around the corresponding body part, such as the wearer’s wrist, and thus operates in a manner completely different from the devices described in the cited references. Moreover, neither Kuroda nor Radley-Smith suggest using the flexible electronic pixel array now required by claim 1. Accordingly, even if the references are combined, they do not teach each and every limitation of the invention set forth in claim 1, which of course is a requirement of a *prima facie* case of obviousness. *See* MPEP Section 2143.03 (“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.”).

New independent claims 21-36 are also presented. New claim 21 reads on a display apparatus comprising a flexible display member including a flexible electronic pixel array and a control unit provided at one end of the display member. The display member is in the form of a strip of a size suitable to be positioned around a limb of a user, and is readily removable from the control unit. Consequently, the display member can be detached and replaced with an alternative design or size to suit the individual. Support for this claim is found in Applicant’s specification on page 4, lines 22-25 and page 5, line 29 to page 6, line 3. New claims 22-34 recite further details, which are also fully supported by the specification.

In the Action, the Examiner contends that the combination of Radley-Smith and GB 2373990 to Broderick together render such a removable display member obvious. However, it is not contended that either of these references disclose a display member comprising a flexible electronic pixel array, as now required in claim 21. While it is suggested in the Action that the two-part housing 6 of Figure 4 of Broderick would render it obvious to provide a removable control unit, the trouble with this position is that this teaching only

relates to the front and rear sections 9, 10 of the housing 6 itself. The actual control circuitry, such as the battery 13, 14 and microchip 17, remain permanently connected to the strap/display member by means of conductors 19, 20 (see Figure 4). Accordingly, Broderick cannot possibly suggest providing a control unit that is completely and readily removable from the display member. Furthermore, even if Broderick would make it obvious to provide an easy-to-assemble housing for the purposes of replacing components if the device were damaged, there is no suggestion whatsoever of providing a control unit with interchangeable display members.

Dependent claims 5, 6, 13, and 14 are now amended to recite that the display member of claim 1 comprises an electro-luminescent, organic light emitting diode, light emitting polymer, or organic liquid crystal. New claims 25 and 26 also require such. Support for this matter is found in the specification on page 6 at lines 13-14. New claims 35 and 36 depend from claim 1 and require providing a flexible electronic pixel array on both sides of the display member (specification, page 9, lines 7-11) and a sound sensor (specification, page 9, lines 16-22).

Finally, new independent claims 37 and 38 are presented. New independent claim 37 recites a display apparatus comprising a flexible and malleable display member comprising a flexible electronic pixel array and a control unit, the display member being in the form of a strip of a size suitable to be positioned around a limb of a user. New independent claim 38 recites a display apparatus comprising a flexible display member comprising a flexible electronic pixel array and a control unit, the display member being in the form of a strip of a size suitable to be positioned around a limb of a user, in which the display member is readily removable from the control unit, whereby the display member can be detached and replaced with an alternative design or size to suit the individual. For the reasons previously stated, the inventions set forth in these new claims are believed to distinguish over the prior art.

In summary, it is believed that all claims are allowable over the cited prior art, and a Notice of Allowance is in order. However, if some issue requires further attention, the Examiner is invited to telephone the undersigned to expedite its resolution and allowance of the application. Moreover, in the event some fee is due, please debit it from Deposit Account 11-0978.

Respectfully submitted,

**KING & SCHICKLI, PLLC**



Andrew D. Dorisio  
Registration No. 41,713

247 North Broadway  
Lexington, KY 40507  
(859) 252-0889